

REMARKS

In response to the rejection under 35 USC § 112, second paragraph, set forth in paragraph 7 of the Official Action, applicants have amended dependent claims 6, 14-15, 26, and 34-35 to provide the appropriate dependency as suggested by the Examiner. Accordingly, applicant respectfully submits that this rejection is no longer applicable.

The Examiner also rejected claims 1-35 and 37-39 under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. In this regard, it is believed that the claims as currently as filed provided appropriate subject matter under 35 USC § 101. However, in order to advance prosecution, applicants have amended the independent claims as suggested by the Examiner. In this regard, software program that is embodied in a computer readable media, may include of course any type of media which could include, hard disk drive or other temporary or permanent memory of a computer.

The Examiner in paragraph 11 rejected claim 37 under 35 USC § 102(e) as being anticipated by King for the reasons set forth therein. Applicants have amended independent claims 1, 16, 36, 37, and 38 to include the limitation that any one of the plurality of images may be located in any position in said plurality of different page layouts. What this means is that any one particular image can be located anywhere on the page, for example, as illustrated in Figs. 8 and 9 of the present application, the page layout of Fig. 8 indicates image 60 as being in the right hand corner and image 56 being in the lower left center area of the page layout, whereas Fig. 9, a different page layout illustrates the image 60 as being located at the lower left and the image 56 is located at a particular location on the page layout. Quite the contrary, any of the individual images maybe moved to any particular location. The King et al. reference fails to teach or suggest such a modification. As illustrated by Figs. 8-12 of King et al, there are predefined location for each of the images to be located. See also Col. 17 line 55 to Col 18 line14.

The present invention is directed to a method, system and software product for organizing a plurality of digital images into a particular page format and in an aesthetically pleasing manner. Not only is it important to have the images appropriately positioned on a page, it is also important to provide appropriate spacing of the images so as to provide an aesthetically pleasing

presentation. Thus, it is not merely squeezing a number of images on a page in a predetermined pattern, but placing the images on a page in a manner that is designed to achieve a an aesthetically pleasing result.

The Examiner has also rejected claim 37 as being anticipated by Kpba (US 6,222,947B1) for the reasons set forth in paragraph 12. The '947, as the King et al. reference, fails to teach or suggest that any one of the plurality of images may be located in any position in said plurality of different page layouts as claimed by applicants. As illustrated by Figs. 5 to 6, the images are placed in predefined locations and does not allow any of the images to be located in other locations as claimed by applicant. See also Col 5 line57 to Col 6 line 20. In the invention of Claim 37 only one placeholder is provided whereas the other images may be placed at any appropriate location. Accordingly, applicant respectfully submits that Claim 378 is patentable over the cited art.

The examiner in paragraph 14 of the official action rejected claims 1, 5, 14-15, 38-39 under 35 U.S.C. 102(a) as being unpatentable over King et al in view of Semans US 6,415,306. In this regard in order for a rejection to be proper under 35 U.S.C. 102(a) all of the elements of the claim must be found in a single reference. Applicants respectfully submit that a rejection with two separated references is in appropriate. Accordingly, this rejection fails for this reason alone. Further, the '306 reference also fails to teach or suggest the invention of amended claims as the '306 also fails to disclose that any one of the plurality of images may be located in any position in said plurality of different page layouts as claimed by applicants.

The examiner has also rejected paragraphs 14, 16 to 42 numerous claims under 35 U.S.C. 103 as being obvious for the reasons set forth therein. All of these rejection are based on either the King et al. or Koba et al refeence. The additional cited reference fails to teach or suggest anything that would the claimed inventions obvious for the same reasons previously discussed. None of the additional references teach or suggest that any one of the plurality of images may be located in any position in said plurality of different page layouts.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.